

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JULY 24, 2008

Presiding: Mayor Glenn W. Dalling  
Meeting Convened at 6:30 p.m.  
Prayer: Brad Orme  
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Josh Garner, City Attorney; Paul Lusk, acting chairman of Planning & Zoning; Jan Gallup; Sharee Palmer; Teton Mayor Phil Sutherin; and Dwayne Seiter.

**PUBLIC HEARING (Proposed Comprehensive Plan Revision):** The mayor welcomed everyone and brought the public hearing to order. He presented a brief review of the procedure for the public hearing and asked Councilmember Bruce King to introduce the subject of tonight's hearing. Bruce reported that the Planning and Zoning Commission drafted a major revision to the city's comprehensive plan. Commissioners went over it for a period of time and refined the revision to the point it was ready for a public hearing. After the public hearing, they forwarded the plan to the City Council for consideration, recommending that it be approved. The City Council modified the plan in a few places and set a public hearing for tonight. City Clerk Sharon Bell reported there was no prior written testimony submitted. With the sign-up sheet of the public hearing in hand, Mayor Dalling called first for those in favor of the proposed comprehensive plan revision. No one testified in favor.

The mayor then called for those neutral to the proposal to testify. No one testified.

Mayor Dalling called for those against the proposal to testify. Comments were made as follows:

**JAN GALLUP**, 309 South Austin Avenue. She doesn't support the revised plan and requests it be sent back to P&Z for further revision. She believes P&Z failed to reach out to obtain input and advice from the public. She requested a copy of the revised plan, but there were no attachments included, even though the text refers to these attachments. She said this revision does not address results of the 2004 survey. She feels the plan should be proactive, but parts of it are inconsistent. She doesn't think growth can be both rapid and orderly. There should be three main areas of implementation: (1) enhance and preserve the city's small-town atmosphere; (2) manage growth and development; and (3) promote Sugar City's regional location.

**SHAREE PALMER**, 1087 East Moody Road. She feels the revision reads like a college textbook, which she struggled to read. Attachment 1 was not supplied, and she feels the citizens

should have been able to refer to it. She feels several items should have been included in the plan. She doesn't feel citizens know how important the comprehensive plan is and feels the old plan was much easier to understand. Sugar City is unique and she doesn't want to lose that. She doesn't want the city targeted as a recreation destination. She is against the "implementation" component being taken out of the main body of the text and thinks the revision is slanted toward the developers more than toward the city. While we need a commercial base to help support our residences, the plan isn't written in such a way as to adequately protect our residential community.

After testifying, Jan and Sharee left the meeting.

7 p.m. The public hearing ended, and the council convened its regular meeting.

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Councilmembers Harold Harris, Bruce King, Brad Orme and Lamont Merrill; Josh Garner, City Attorney; Paul Lusk, acting chairman of Planning & Zoning; Teton Mayor Phil Sutherin; and Dwayne Seiter.

#### **DISCUSSION AND DECISION ON PUBLIC HEARING:**

**Mayor Dalling:** Maybe our comprehensive plan has problems, but our philosophy hasn't changed. He expressed disappointment that the two ladies did not stay to hear council discussion. The mayor asked for input from Paul Lusk, acting chairman of P&Z, and from each councilmember.

**Paul Lusk:** P&Z made the comprehensive plan easier to understand and to read. The old one was hard to understand and lengthy. Basically, this revision is the same philosophy but easier to understand. Paul talked about the attachments. He said we should state that this approval process is just for the main text of the comprehensive plan, not for the attachments.

**Councilmember Orme:** Brad said the reason the attachments are not included now is summarized in the footnote on page 37, which reads as follows: "Attachments are supporting documents to the comprehensive plan, not integral parts of it. Material in them may be altered, added, or removed without amending the plan."

**Councilmember King:** Bruce said the new plan is conservative, in keeping with the character of the city. It covers all components required in state law. He disagrees with contentions of Jan and Sharee, although he feels some of their concerns had merit.

**Teton Mayor Sutherin:** He said the comprehensive plan is an evolving document, constantly in need of review and updates for enhancing a city and its citizens.

**Attorney Garner:** Positive features of Sugar City are defined throughout the plan, so do not list specific features and limit yourself.

**Councilmember Merrill:** He approves of the plan as written, noting we can change the text in a later iteration and include some of the suggestions presented at that time. He appreciated the input given.

**Councilmember Harris:** It is important to listen to every opinion offered. He appreciated Jan's and Sharee's input, which alerts us to some things we ought to look at down the road.

**Councilmember Orme:** It isn't the council's job to pound on doors in an effort to coax

citizens to come to city meetings. If residents who read notices and agendas don't know what is going on in Sugar City, then they likely support what goes on in the community and place their faith in elected officials.

**MOTION ON COMPREHENSIVE PLAN REVISION:** It was moved by Councilmember King and seconded by Councilmember Merrill to approve and adopt the front matter and body of the proposed revision to the text of the comprehensive plan as written. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, King, Orme and Merrill

Those voting nay: None

Thereupon, the mayor declared the motion passed.

The Mayor asked if there were any corrections to the minutes of the regular meeting held July 10, 2008. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Harris and seconded by Councilmember Merrill to accept said minutes; motion carried.

**PLANNING & ZONING REPORT:** In the absence of P&Z Chairman Brian Hawkes, Commissioner Paul Lusk addressed the council.

**Toscano Phase 1B (Resort Area) Design Review:** Design review was approved by the design review board.

**DiFresco Imports – Application for Special Use Permit:** DiFresco Imports applied for a zone change for their warehouse from M2 (current) to C3. This will meet their needs with the fewest number of special use permits. P&Z accepted the application and set a public hearing on August 7, 2008, at 7 p.m. The mayor expressed concern that they will be able to use the sidetrack. This needs to be reviewed. He asked P&Z to check it out.

**Calaway Ranch (Terry Mortensen) – Application for Annexation:** Calaway Ranch has applied for annexation. The county allowed them to be put into the Sugar City impact area. Therefore, they applied for annexation into the city. The public hearing has been set for August 21, 2008, at 7 p.m.

**Comprehensive Plan Land Use Map:** P&Z updated the land use map and scheduled it for public hearing on August 7, 2008, at 7:20 p.m.

**Comprehensive Plan Transportation Map:** P&Z updated the transportation map and scheduled it for public hearing on August 7, 2008, at 7:40 p.m. They would like Forsgren to testify, if possible, in favor of the transportation map. Discussion with Randy Johnson from Forsgren led P&Z to update the transportation map prior to the transportation study so the comprehensive plan could be released with the current information. This affects Toscano in the near future and may affect other subdivisions, hence the decision to move ahead with this prior to the transportation study.

The mayor expressed appreciation for all the work P&Z does.

#### **DWAYNE SEITER – TOSCANO WATER AND WASTEWATER:**

**Water Supply Facility:** Mr. Seiter presented a proposed Water Supply Facility System Agreement, which will cover 150 percent of the needs of the Toscano and Calaway developments. The extra 50 percent will go to the city. The cost is \$600,000, and Toscano will fund the project. When it is done, it will be deeded back to the city to run. If future city

developments come on, Toscano will be paid back until \$600,000 is paid. Toscano wants it built and running by spring 2009. He wants the city to make all the applications, but Toscano will pay all fees. This is because the city has more clout to get the applications through. The mayor said this document is in line with the development agreement and clarifies it.

**Wastewater System:** Mr. Seiter presented a proposed Wastewater Collection System Agreement. He said he has had several meetings with Williams Engineering on their design for a new gravity interceptor line, which ties into the existing treatment plant. The estimated cost is \$1.8 million to \$2 million, and it will benefit Rexburg and Sugar City. Rexburg wants a pressure line instead of gravity line. Mr. Seiter met with Rexburg and they agree with the plan. Toscano will fund the whole project. The only reimbursement will be to Sugar City. The line will follow the railroad tracks and is a shorter route. Rexburg agrees with installing a 14-inch pressure line. This will cost \$500,000, because Rexburg will absorb the rest of the cost (\$1 million). This is in addition to Toscano building its own waste collection facility, but the second line to Rexburg is needed now because we are at maximum capacity. Toscano will want to be paid back up to \$500,000 if other parties tie into the line. The plant would take three years to construct. Mr. Seiter said there is no reimbursement on the wastewater treatment system.

Mr. Seiter said they would like to move forward with the treatment plant. In the meantime, they will construct the new line Williams designed to take wastewater to Rexburg from Sugar City as a backup system. The mayor said Toscano would work out their agreements, which will be on the agenda for the next meeting.

8:20 p.m. Joseph Law of the *Standard Journal* arrived.

**SUGAR-SALEM SCHOOL DISTRICT DISCUSSION:** The mayor and council elected to take a break to view the property in question, which is north of the junior high school. They were gone approximately 20 minutes. After discussion, the following motion was made:

**MOTION:** It was moved by Councilmember Merrill and seconded by Councilmember King to set a public hearing on the proposed transfer to the school district of the city property north of the existing school maintenance building on August 14, 2008, at 6:30 p.m. for an expansion by the district of its maintenance building; motion carried.

**DEPARTMENT REPORTS:**

**COUNCILMEMBER ORME:**

**Community Breakfast:** Brad reported the community breakfast is scheduled for Saturday, July 26, from 7 a.m. to 10 a.m. The Neibaur family expects to have approximately 115 people there. Thomas Mecham will arrange for equipment, cooks, servers and cleanup for an Eagle Scout Project.

**COUNCILMEMBER HARRIS:**

**Veterans Memorial:** The mayor reported that Harold poured the concrete pad and got Walters Ready Mix to donate the concrete. The Neibaur monument was placed on Monday, July 21. Everything is in order for the program and for the unveiling on Saturday. He expressed appreciation to Mr. Law for the informative and well-written newspaper article on the memorial.

**COUNCILMEMBER MERRILL:**

**Water Tower:** Syringa Wireless will pay Sugar City \$500 per month to install antennas on the water tower and to broadcast its Internet signal from the tower. Lamont reported that he has been unable to reach Dave Thompson on fees he will pay for his transmission equipment.

**Painting the Water Tower:** Lamont reported the price now for Banta Painting in Rigby to paint the water tower is \$22,030, which includes the increased costs of the lift, blasting sand, and paint. The bidder has a contractor's license, but Attorney Garner said they also need a public works license. Lamont discussed vinyl lettering, which would be an additional cost of \$580 versus painting the city name, which would be an additional cost of \$730.

**MOTION ON PAINTING WATER TOWER:** Because the tower is a visible landmark in need of upkeep and because it has become a revenue source for the city by hosting broadcasting equipment of Internet service providers; Councilmember Merrill moved and Councilmember Harris seconded to accept the bid of Banta Painting of Rigby to paint the water tower and to paint the name of Sugar City on the tower; motion carried. Councilmember Orme voted nay because he feels a government should only spend money on projects needed for public health and safety.

**COUNCILMEMBER KING:** No report.

### **MAYOR'S BUSINESS:**

**Water and Sewer Rates:** Despite increasing costs, the City Council decided not to raise water rates on the grounds that keeping rates at current levels will encourage residents to use water to keep their lawns looking nice. The mayor reported the council would need to have a public hearing to increase sewer rates.

**Sewer Hookup Fee:** The sewer hookup fee is presently \$1,425. On the basis of an estimated cost of \$5 per 1,000 gallons at 300 gallons per day per household in 2010, the following increase is proposed:

\$1,500 for capacity

\$400 for the proposed interceptor line upgrade

\$100 for the inspection fee

for a total sewer hookup fee of \$2,000.

**Sewer Treatment Fees:** The mayor reported that Rexburg raised Sugar City's sewer treatment fee by 9 percent because of its increasing costs. In 2009, Rexburg will raise Sugar City's fee to \$4.75 per 1,000 gallons, and in 2010 it will raise the fee to \$5 per 1,000 gallons. The mayor requested that the council set a public hearing on increasing the sewer treatment fees.

Attorney Garner said it is important to set a price so the public knows our plan. He will check into what it costs the city to provide these services, so the council can adjust fees accordingly. Marcie stated we should raise the fee 1 percent more to cover our costs above the 9 percent. The mayor reported he would talk with Dick Dyer about the proposed fee increases.

**MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Merrill to set a public hearing for August 14, 2008, at 7 p.m. on raising the sewer hookup fee from \$1,425 to \$2,000 and on raising the sewer treatment fee by 10 percent; motion carried.

**Fire Hydrants:** A discussion was had about contractors removing water from city fire hydrants. Councilmembers felt contractors should use water from only one hydrant and pay for the water – just as residents do. Attorney Garner advised that since this matter was not on the agenda it should be discussed further at the next regular meeting, when the topic can be listed on the agenda. But Josh said the council could designate one fire hydrant to be used by contractors.

**MOTION:** It was moved by Councilmember Orme and seconded by Councilmember Merrill to designate the fire hydrant at the northwest corner of Moon Park on Railroad Avenue as the official water-loading source for all commercial trucks, effective immediately; motion carried.

The mayor entertained a motion to go into executive session.

**EXECUTIVE SESSION:**

9:55 p.m. It was moved by Councilmember King and seconded by Councilmember Merrill pursuant to Idaho Code 67-2345(1)(b), that we move into executive session to discuss personnel matters. The mayor called for a roll call vote:

Those voting aye: Councilmembers Harris, King, Orme and Merrill

Those voting nay: None

Thereupon the mayor declared the motion passed.

Discussion during executive session was on hiring city personnel.

10:05 p.m. The executive session ended and the regular council meeting adjourned.

Signed: \_\_\_\_\_  
Glenn W. Dalling, Mayor

Attested: \_\_\_\_\_  
Sharon L. Bell, Clerk